

IV. Remarks.

The Examiner entered the following rejections which are addressed as presented in the office action.

1. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Epstein (US 6,478,229).

As to claim 1, Applicant respectfully disagrees with the Examiner's conclusions. The reference does not teach all of the claim limitations as arranged in the claim. Namely, Epstein does not teach an elastomeric product having a receiving portion cured therein. Instead, Epstein teaches a web 4 and a second layer 6 bonded together by an adhesive layer 10, col. 2, lines 45-51. Bonding by adhesive is not a curing process known in the elastomeric arts. Curing refers to the vulcanization of elastomeric or rubber products, application page 5, lines 12-13. Vulcanization requires application of heat and pressure in a manner known in the art to cure a rubber material. Connecting by adhesive is not analogous to curing.

Claims 2-6 depend from claim 1.

As to claim 7, Epstein does not teach a receiving portion formed in the elastomeric body by curing. Instead, Epstein teaches a transponder 16 inserted between tape layers before the layers are laminated together, col. 3, lines 22-39.

Claims 8-14 depend directly or ultimately from claim 7.

Applicant respectfully requests withdrawal of this rejection as to all claims.

2. Claims 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klinefelter (US 6,386,772) in view of Mish et al. (US 5,986,569).

As to claim 16, Applicant respectfully asserts the Examiner is using impermissible hindsight. Neither reference teaches a sleeve having a pocket for moveably containing an electronic data logging device. More particularly, Klinefelter teaches a supply roll or core 14 having an embedded identification tag or circuit 15, col. 1 line 66 to col. 2 line 2. No teaching is offered as to the meaning of "embedded". Absent instructive teaching we must assume the word embedded has the meaning normally attributed to it, namely, to enclose closely in or as if in a matrix, i.e., fossils *embedded* in stone. There is no suggestion in this reference that the word "embedded" was meant to encompass moveable as well.

As to Mish et al., it teaches an RFID device 12 contained in a pocket 14 configured to contain the device, col. 2, lines 54-58. Mish teaches that the RFID device 12 is either *sealed in place* or is *subject to adhesive* applied between layers 16 and 18, col. 2 line 61 to col. 3, line 13. Presumably such sealing or use of adhesive would immovably fix the RFID device in place in the pocket. No

other outcome or means of achieving such is disclosed, hence, movability of the RFID device in the pocket is neither taught nor reasonably implied.

Further, the Examiner's conclusion appears to overlook this attribute of the instant invention. The Examiner argues that "integrating the tag to an object and releasably attaching tag are functionally equivalent". However, removability is not a limitation nor at issue, instead the invention relates to the movability of the RF transponder within a pocket. Movability in the pocket minimizes stresses to which the transponder is subjected. Removability does not necessarily mean the transponder is moveable in a pocket during use. On this point, regarding the Examiner's assertion that there are no unexpected results, Applicant respectfully disagrees. Page 6, lines 17-23 of the application teaches that the transponder is moveable in the pocket to minimize or eliminate stresses otherwise transmitted to the transponder by flexing of the sleeve during removal from a spinning machine. Neither reference teaches this problem or result.

Claims 17-20 directly or ultimately depend from claim 16.

Applicant respectfully requests withdrawal of this rejection.

V. Fees.

Any fees payable for this amendment and petition for extension of time may be deducted from deposit account 07-0475 in the name of the Gates Corporation.

Thank you for your attention to this case. If any questions arise, please call at the number below.

Sincerely,



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